

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERMAN L. SMITH, on behalf of himself)
and all others similarly situated,)
Plaintiff,)
vs.) Civil Action No. 10-678
THE BANK OF NEW YORK MELLON)
CORPORATION,)
Defendant.)

O R D E R

AND NOW, this ~~17~~ day of March, 2011, after the plaintiff, Herman L. Smith, filed an action in the above-captioned case, and after a motion for summary judgment was submitted by the defendant, The Bank of New York Mellon Corporation, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the defendant, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 33), which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's motion for summary judgment (Docket No. 12) is denied.

Nora Barry Fischer
Nora Barry Fischer
United States District Judge